

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
GREENEVILLE DIVISION

FRANKENMUTH MUT. INS. Co.,

Plaintiff,

v.

ANATOLE CONSTR. CO. INC., *et al.*,

Defendants.

1:22-CV-00004-DCLC-SKL

**ORDER**

This matter is before the Court to consider the Report and Recommendation of the United States Magistrate Judge [Doc. 42]. In the Report and Recommendation, the magistrate judge recommends that Plaintiff's Motion for Default Judgment [Doc. 24] be denied as moot and that Defendant Omega Construction, Inc.'s ("Defendant"), Motion to Set Aside Entry of Default [Doc. 34] be granted. The magistrate judge also recommends that the parties be ordered to immediately confer and submit a revised discovery plan so that discovery may be completed according to the current schedule. The parties did not file objections to the Report and Recommendation.<sup>1</sup> *See* Fed. R. Civ. P. 72(b).

After thorough consideration of the Report and Recommendation and the record as a whole, the Court finds that the Report and Recommendation properly analyzes the issues presented. For the reasons set out in the Report and Recommendation, which are incorporated by reference herein, it is hereby **ORDERED** that the Report and Recommendation [Doc. 42] is **ADOPTED**, Plaintiff's Motion for Default Judgment [Doc. 24] is **DENIED AS MOOT**, and Defendant's Motion to Set Aside Entry of Default [Doc. 34] is **GRANTED**. The parties are

---

<sup>1</sup> Failure to file objections within the 14-day period pursuant to Rule 72(b) results in waiver of the right to appeal the Court's order. *Thomas v. Arn*, 474 U.S. 140, 153-54 (1985).

**FURTHER ORDERED** to confer and submit a revised discovery plan that allows them to complete discovery by the Court's previously set **May 26, 2023**, deadline for fact and expert discovery [Doc. 20].

**SO ORDERED:**

s/ Clifton L. Corker  
United States District Judge